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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/916,629	08/22/97	COBBLEY	C 97-0098

IM62/0523

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EXAMINER	
GALLAGHER, J	
ART UNIT	PAPER NUMBER
1733	10

DATE MAILED: 05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)	
Examiner	Group Art Unit	

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

P riod f r R ply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on 22 FEBRUARY 2000.

☑ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) 1-22 and 40-44 is/are pending in the application.

Of the above claim(s)_____ is/are withdrawn from consideration.

☐ Claim(s)_____ is/are allowed.

☑ Claim(s) 1-22 and 40-44 is/are rejected.

☐ Claim(s)_____ is/are objected to.

☐ Claim(s)_____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on_____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on_____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)_____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:_____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s)._____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other_____

Office Acti n Summary

1. Claims 4-11 and 42-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, all occurrences of the words "a" and "an" should be deleted from these claims viz. claim 4 at line 3, claim 5 at lines 2-5, claim 6 at lines 10-12 and claim 42 at lines 10-12.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiLeo et al in view of either Nishino et al or Litke.

4. Claims 1-20 are further rejected under 35 U.S.C. 103(a) as being unpatentable over DiLeo et al in view of Mikuni et al and further in view of either Nishino et al or Litke. It would have been obvious to one of ordinary skill in this art to employ/incorporate the silica filler of either Nishino et al or Litke in the adhesive of Mikuni et al for use in the process of DiLeo et al; mere incorporation of a known (and beneficial) material/ingredient in a known adhesive involved.

5. The foregoing art rejections of paragraphs 3-4 are repeated, with the addition of O'Sullivan et al as a secondary reference to the statement of each.

6. Claims 21-22 and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiLeo et al in view of Burnett et al and Gruber et al.

7. Applicant's arguments filed 22 February 2000 have been fully considered but they are not persuasive.

The foregoing art rejections are adhered to essentially for the reasons of record (see paragraphs 4-5 and 7 of the last Office action; further, with each of these rejections, it is the sum total of the teachings of the applied, combined references taken as a whole which is held/seen to render applicants invention obvious to one of ordinary skill in this art (In re McLaughlin 170 USPQ 209), and therefore applicants piecemeal attack on the references individually cannot establish unobviousness, since these rejections are based upon a combination of references In re Mapelsden 141 USPQ 30) i.e. these rejections are not overcome by pointing out that one reference does not contain a particular teaching when the reliance for that teaching was another reference (In re Lyons 150 USPQ 741), with the following being additionally advanced: contrary to applicants contentions made in the amendment at (a) page 11 lines 9-14 and page 12 lines 5-9, the electronic assembly of DiLeo et al is held/seen to indeed constitute a package of the type/in the manner envisioned by applicants (ie N.B. page 2 lines 10-11 of applicants specification); further, while the improvement of these patentees resides in the non-use/elimination of any conductive/metallic filler material in the room temperature curing adhesive they may employ, there is no apparent prohibition/caveat made by them against the use of other (inorganic or even organic) filler materials; and (b) all of the applied references are held/seen to be sufficiently analogous reasonably pertinent enough to each other to enable their proper and tenable combination as set forth in the rejection statements of record; in similar manner, sufficient

suggestion/direction/motivation to those of ordinary skill in this art is held/seen to be present in/provided for by these references themselves to enable their proper and tenable combination as set forth in the rejection statements of record, it being reiterated that the use of (eg. silica filled) cyanoacrylates and anaerobic acrylics as general instantaneous adhesives in a wide variety of areas (to include electrical/electronic application) is held/seen to be fairly documented by the applied prior art (viz. secondary) references of record; further along this line (1) the aforementioned silica is held/seen to be fairly disclosed by applicants (N.B. page 5 lines 9-12 and page 8 line 36 thru page 9 line 3 of their specification) as being their preferred filler material for adhesive characteristic improvement; and (2) since the applied prior art (viz. the references to Nishino et al, Litke and Gruber et al) fairly document the (known) incorporation of a silica filler in both cyanoacrylate and anaerobic acrylic adhesives, then applicants motivation for doing/carrying out what the prior art teaches cannot serve as a basis upon which to predicate patentability over that which is (already) within the public domain (In re Keck 216 USPQ 1038; In re Fracalossi 215 USPQ 569); still further, prior art motivation may be different from that of applicants while still supporting a conclusion of obviousness (In re Lintner 173 USPQ 560). In conclusion, the gap (if any) between the envisioned, claimed invention and the teachings of the applied, combined references record is held/seen to be simply not so great as to render the invention unobvious to one reasonably skilled in this art, any differences which might possibly/conceivably exist between the invention and the combined teachings of these references being held/seen not to constitute patentable differences.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661/0662.

Gallagher/mm
5-22-00 (A.M.)
May 22, 2000

JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 1733